

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LISA MCNEIL and SEAN MCNEIL,

CIVIL ACTION

Plaintiffs,

JURY TRIAL DEMANDED

v.

**W.C. BRADLEY CO. d/b/a LAMPLIGHT,
JOHN DOES 1-10, AND ABC CORPS. 1-10
(fictitious persons and entities whose true
identities are not presently known,
representing manufacturers, distributors,
suppliers, owners, and/or other persons or
entities in control of the product/place in
question)**

Defendants.

NO.

NOTICE OF REMOVAL

Defendant W. C. BRADLEY CO.¹ (hereinafter referred to as “Bradley” or “Defendant”) hereby remove this action from the Superior Court of New Jersey Law Division Middlesex County, to the United States District Court for District of New Jersey, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. The basis for the removal of this action is that there is diversity of citizenship and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

In support of its removal, Defendants state:

1. On or around March 11, 2011, Plaintiffs filed a Complaint for Damages against Defendants in an action entitled Lisa McNeil and Sean McNeil v. W.C. Bradley Co. d/b/a Lamplight, et al., in the Superior Court of Middlesex County, New Jersey docket no. L-1971-11.

¹ W.C. Bradley Co. (“Bradley”) is improperly named in the above case. Bradley is the parent company of Lamplight Farms, Inc., a Wisconsin corporation.

2. The first date upon which any of the above Defendants received a copy of the original Complaint was March 29, 2011, when Bradley received a copy of said Complaint and Summons via U.S. Mail. A copy of the original Complaint and Summons are attached hereto as Composite Exhibit "A".²

3. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441 in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

4. The Complaint seeks unspecified damages and alleges that "Plaintiff was caused to suffer serious and permanent injuries; she was caused to suffer great pain and will in the future be caused to suffer great pain" (Complaint at ¶ 9, p. 2 of 7). The Complaint additionally alleges that plaintiff "was caused to suffer permanent injuries including severe scarring." (Complaint at ¶ 9, p. 2 of 7).

5. In addition to compensatory damages, Plaintiffs seek the imposition of interest, treble and/or punitive damages and costs of suit and attorney fees. (*See* prayers in Count IV of Complaint at p. 5 of 7)

6. The amount in controversy requirement of 28 U.S.C. § 1332 is therefore satisfied on the face of Plaintiffs' Complaint.

7. Upon information and belief, at the time of filing this action, Plaintiffs are citizens of the State of New Jersey, residing therein at 8 Jodhpur Lane, Neptune, New Jersey. (Complaint at p. 1 of 7.)

² The summons and Complaint were mailed to Lamplight Farms via regular U.S. mail service. The date of the summons is March 23, 2011.

8. At the time of filing this action, Defendant Bradley was, and is, a citizen of the State of Georgia, incorporated under the laws of Georgia.³

9. W.C. Bradley Co. was and is a citizen of the State of Georgia and incorporated under the laws of the state of Georgia.

10. John Doe(s) 1-10 and ABC Corps. 1-10, fictitiously named persons and entities, representing manufacturers, distributors, suppliers, owners and/or other persons or entities in control of the product in question, are fictitious names and are thereby disregarded for removal purposes pursuant to 28 U.S.C.A. § 1441(a).

11. Accordingly, diversity of citizenship exists in accordance with 28 U.S.C. § 1332.

12. In accordance with 28 U.S.C. § 1446(a), Defendants have has attached as Exhibit "A" and filed with the Clerk of this Court true and legible copies of all process, pleadings, orders, and other papers on file with the Superior Court for Middlesex County, New Jersey.

13. Defendant' Answer and Affirmative Defenses to Plaintiffs' Petition will be filed within the time allowed under the Federal Rules of Civil Procedure.

14. Pursuant to 28 U.S.C. § 1446(d), Defendants have provided written notice to Plaintiffs and have filed a copy of this Notice of Removal with the Clerk of the Superior Court of Middlesex County, New Jersey. A copy of Defendant's Notice of Filing Notice of Removal is attached hereto as Exhibit "B".

WHEREFORE, Defendants, respectfully request that this Honorable Court exercise jurisdiction over this matter.

³ Lamplight Farms, Inc. is a citizen of the State of Wisconsin, therefore, in the event Lamplight is substituted into the case as the proper defendant diversity of citizenship will continue to exist.

Respectfully submitted,

SWEENEY & SHEEHAN

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